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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/709,244	04/23/2004	Tsutomu Horie	040186	3243
23850	7590	04/21/2006	EXAMINER	
ARMSTRONG, KRATZ, QUINTOS, HANSON & BROOKS, LLP 1725 K STREET, NW SUITE 1000 WASHINGTON, DC 20006			AKANBI, ISIAKA O	
			ART UNIT	PAPER NUMBER
			2877	

DATE MAILED: 04/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/709,244

Applicant(s)

HORIE, TSUTOMU

Examiner

Isiaka O. Akanbi

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 April 2004.
- 2a) ☐ This action is **FINAL**.
- 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,7-11 and 13-16 is/are rejected.
- 7) ☒ Claim(s) 3-6 and 12 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 - Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 - Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some * c) ☐ None of:
 - 1. ☐ Certified copies of the priority documents have been received.
 - 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date April 27, 2004
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Information Disclosure Statement

The information disclosure statement file April 27, 2004 has been entered and reference considered by the examiner.

Drawings

The examiner approves the drawings filed April 23, 2004.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-2, 7-11 and 13-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Kohno (5,528,360).

As regard to claim 1, Kohno discloses a reticle having a device pattern formed in an exposure area (A) and evaluation pattern(s) formed in an area (B) different from said exposure area, for evaluating transferability onto a transfer target of any defect in said exposure area (fig. 1)(fig. 15)(col. 1, line 16-25)(col. 5, line 4-6).

As to claim 2, according to claim 1, Kohno discloses wherein said evaluation pattern has a defect of which transferability onto said transfer target being already evaluated (col. 2, line 22-31).

As regard to claims 7, 13 and 15, Kohno discloses a reticle inspection method comprising of a pattern forming step for forming a device pattern (A) in an exposure area, and also for forming evaluation pattern(s) (B) for evaluating transferability of any defect onto a transfer target in said exposure area, in an area different from said exposure area on the same reticle (109), a defect inspection step for inspecting presence or absence of any defect in said exposure area on said reticle and an evaluation step for evaluating transferability onto said transfer target of any defect detected in said defect inspection step, based on said detected defect and said evaluation pattern (fig. 1)(fig. 15)(col. 1, line 16-25)(col. 5, line 4-6).

As to claim 8, Kohno discloses wherein said evaluation pattern is a pattern having a defect possibly generated in said exposure area, and the method further comprising a preliminary evaluation step for evaluating, in advance to said pattern formation step, the transferability of said evaluation pattern onto said transfer target (col. 2, line 22-31).

As to claims 9, 14 and 16, Kohno discloses wherein said evaluation step comprising a comparison step (303) for comparing any defect detected in said defect inspection step with said evaluation pattern and a correction judging step for judging necessity of correction of said detected defect based on a comparative result obtained from said comparison step (fig. 7)(col. 6, line 32-39).

As to claim 10, Kohno discloses wherein, in said pattern forming step, said evaluation patterns corresponded to types of defects possibly generated in said exposure area on said reticle (109) are formed on said reticle by types of said defect and in said comparison step (303), any defect detected in the defect inspection step is compared with said evaluation patterns corresponded to said types of defect and respectively having an untransferable largest defect size (col. 6, line 22-39).

As to claim 11, Kohno discloses an information entering step (304) for entering an information on any defect judged, in said correction judging step, as being in need of correction (col. 6, line 34-37).

Allowable Subject Matter

Claims 3-6 and 12 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

As to claim 3, the prior art of record, taken alone or in combination, fails to disclose or render obvious wherein said evaluation patterns are provided corresponding to types of defects possibly generated in said exposure area and arranged by types of said defect. Claims 4-6 are allowable by virtue of their dependency on claim 3.

As to claim 12, the prior art of record, taken alone or in combination, fails to disclose or render obvious wherein, in said pattern forming step, said evaluation patterns corresponded to the individual types of defect possibly generated in said exposure area on said reticle are

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formed by said types of defect on said reticle; and in said evaluation step, transferability of any defect detected in said defect inspection step onto said transfer target is evaluated based on said defect detected in said defect inspection step and on said evaluation pattern corresponded to said types of said detected defect.

Conclusion

Fax/Telephone Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Isiaka Akanbi whose telephone number is (571) 272-8658. The examiner can normally be reached on 8:00 a.m. - 4:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory J. Toatley Jr. can be reached on (571) 272-2059. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Isiaka Akanbi

April 6, 2006



Hoa Q. Pham
Primary Examiner